Court No.2

Writ Petition No. 165 (M/B) of 2002

Lord Mahadev Trust …….. Petitioner

Vs.

State of Uttaranchal and others ……. Respondents

……..

Hon. P.C. Verma, A.C.J.
Hon. Irshad Hussain, J.

Heard learned counsel for the petitioner and learned C.S.C.

This petition has been filed challenging the requisition of the building by the State Government. Since requisition has continued for more than one year, therefore, temporary nature of the requisition has lost the purpose therefore, requisition can not be allowed to continue furthermore and is liable to be quashed.

Learned counsel for the State made a statement that Notification under section 4 alongwith section 17 A of the Land Acquisition Act has been issued on 20.05.2003. Since the proceedings for acquiring the land have been initiated, therefore, the petitioner will get the compensation of the building at the market rate prevailing on the date section 4 Notification was issued. Learned State counsel further made a statement that for the period the building was under acquisition, the rent of the building worth Rs. 5,01,848/- has been deposited in the Registry, which is evident from Annexure-4 contained in the Supplementary Counter Affidavit. The petitioner is permitted to withdraw the amount. If the petitioner makes application for withdrawl of the amoiunt, the Registry shall be permitted to release the amoiunt in favour of the petiotioner within a period of fifteen days. Since it is rent payable to the petitioner, no security is required to be furnished.

The petition is disposed of accordingly.

(P.C. Verma, A.C.J.)
(Irshad Hussain, J.)

Dt. 08.07.2003
A